



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1829

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3

from Ch. 38, par. 1003-3-3

Amends the Unified Code of Corrections. Provides that a prisoner committed to the custody of the Illinois Department of Corrections, including, without limitation, a person serving a sentence that limits the person's eligibility for reduced sentence, parole, or mandatory supervised release, shall be immediately eligible for a medical parole if the person suffers from a serious illness or serious disease which has the effect of permanently incapacitating the prisoner; or the person is terminally ill and is expected, with a reasonable degree of medical certainty, to die within the following 12 months. Establishes procedures by which the prisoner may apply to the Prisoner Review Board for medical parole. Provides that after a person is released on medical parole, statutory or other good time shall not reduce the remainder of the person's sentence while the person is on medical parole. Provides that the term of parole for a person on medical parole shall equal the remainder of the sentence of the person plus any applicable term of parole or mandatory supervised release.

LRB094 11234 RLC 41961 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-3 as follows:

6 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

7 Sec. 3-3-3. Eligibility for Parole or Release.

8 (a) Except for those offenders who accept the fixed release
9 date established by the Prisoner Review Board under Section
10 3-3-2.1, every person serving a term of imprisonment under the
11 law in effect prior to the effective date of this amendatory
12 Act of 1977 shall be eligible for parole when he has served:

13 (1) the minimum term of an indeterminate sentence less
14 time credit for good behavior, or 20 years less time credit
15 for good behavior, whichever is less; or

16 (2) 20 years of a life sentence less time credit for
17 good behavior; or

18 (3) 20 years or one-third of a determinate sentence,
19 whichever is less, less time credit for good behavior.

20 (b) No person sentenced under this amendatory Act of 1977
21 or who accepts a release date under Section 3-3-2.1 shall be
22 eligible for parole.

23 (c) Except for those sentenced to a term of natural life
24 imprisonment, every person sentenced to imprisonment under
25 this amendatory Act of 1977 or given a release date under
26 Section 3-3-2.1 of this Act shall serve the full term of a
27 determinate sentence less time credit for good behavior and
28 shall then be released under the mandatory supervised release
29 provisions of paragraph (d) of Section 5-8-1 of this Code.

30 (d) No person serving a term of natural life imprisonment
31 may be paroled or released except through executive clemency.

32 (e) Every person committed to the Juvenile Division under

1 Section 5-10 of the Juvenile Court Act or Section 5-750 of the
2 Juvenile Court Act of 1987 or Section 5-8-6 of this Code and
3 confined in the State correctional institutions or facilities
4 if such juvenile has not been tried as an adult shall be
5 eligible for parole without regard to the length of time the
6 person has been confined or whether the person has served any
7 minimum term imposed. However, if a juvenile has been tried as
8 an adult he shall only be eligible for parole or mandatory
9 supervised release as an adult under this Section.

10 (f) Medical parole.

11 (1) Legislative purpose. Medical parole is made
12 available in light of the fiscal costs of treating
13 seriously ill prisoners within facilities maintained by
14 the Illinois Department of Corrections.

15 (2) Application for benefits by persons on medical
16 parole.

17 (A) If a person has been released on medical parole
18 pursuant to clause (3) of this subsection (f) and
19 applies for public assistance, including without
20 limitation medical assistance under any program funded
21 in whole or in part by the federal government, the
22 Department of Corrections shall forward the
23 application for assistance to the Illinois Department
24 of Human Services, and advise the Prisoner Review Board
25 of such application.

26 (B) The Department of Human Services shall, within
27 60 days after receipt of a medical parole application
28 for assistance, determine the eligibility of the
29 person for any program for which he or she may be
30 eligible, including without limitation any medical
31 assistance which is funded in whole or in part by the
32 federal government.

33 (C) If a person is released on medical parole and
34 is in need of public assistance, including without
35 limitation medical assistance, the Department of Human
36 Services is responsible for the administrative costs

1 of the initial and any subsequent eligibility
2 determination and for the costs of any public
3 assistance, including medical assistance, following a
4 person's release on medical parole for as long as the
5 person is eligible for such assistance.

6 (3) Medical parole. A prisoner committed to the custody
7 of the Illinois Department of Corrections, including,
8 without limitation, a person serving a sentence that limits
9 the person's eligibility for reduced sentence, parole, or
10 mandatory supervised release, shall be immediately
11 eligible for a medical parole under the following
12 circumstances:

13 (A) If the Department of Corrections makes a
14 recommendation to, or the prisoner makes application
15 to, the Prisoner Review Board with supporting medical
16 evidence stating any of the following:

17 (i) the person suffers from a serious illness
18 or serious disease which has the effect of
19 permanently incapacitating the prisoner; or

20 (ii) the person is terminally ill and is
21 expected, with a reasonable degree of medical
22 certainty, to die within the following 12 months.

23 (B) After reviewing the recommendation, the
24 Prisoner Review Board, acting through a panel of at
25 least 3 members, determines all of the following:

26 (i) the person is eligible for medical parole
27 under clause (A); and

28 (ii) the person can be released without
29 detriment to the community or to the person.

30 (C) Prior to making a determination under clause
31 (B), the Prisoner Review Board may (and in the event of
32 a request initiated by the prisoner must) request that
33 the Department of Corrections provide additional
34 information regarding any security concerns relating
35 to the prisoner and the medical condition of the
36 prisoner. The Prisoner Review Board may also request of

1 the Department of Corrections that a medical
2 examination of the prisoner be conducted.

3 (D) If the Prisoner Review Board orders the person
4 released on medical parole, the Prisoner Review Board,
5 in cooperation with the Department of Corrections,
6 shall determine the level of appropriate supervision
7 of the person. At a minimum, such supervision shall
8 include electronic monitoring or other similar means
9 for ensuring that the prisoner's movement shall be
10 limited to what is necessary for obtaining appropriate
11 medical treatment. In addition to any other terms and
12 conditions of medical parole, supervision of a person
13 on medical parole shall consist of periodic medical
14 evaluations at intervals to be determined by the
15 Prisoner Review Board at the time of release.

16 (E) After a person is released on medical parole,
17 statutory or other good time shall not reduce the
18 remainder of the person's sentence while the person is
19 on medical parole. The term of parole for a person on
20 medical parole shall equal the remainder of the
21 sentence of the person plus any applicable term of
22 parole or mandatory supervised release.

23 (F) If the Prisoner Review Board finds a change in
24 circumstances or discovers new information concerning
25 a person who has been released on medical parole, the
26 Prisoner Review Board may rescind the medical parole or
27 revise the previously granted medical parole release
28 date.

29 (G) The Prisoner Review Board shall issue its
30 decision to release a person on medical parole or deny
31 a person's medical parole or to rescind the medical
32 parole or revise the medical parole release date of the
33 person in writing and provide a basis for the decision.
34 A copy of the decision shall be provided to the person.

35 (Source: P.A. 90-590, eff. 1-1-99.)